

REMARKS

With the addition of new claim 42, claims 12 to 42 are pending in the present application. No new matter has been added. It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicant thanks the Examiner for considering the Information Disclosure Statement, PTO-1449 paper, and cited references, filed November 30, 2009.

Applicant thanks the Examiner for indicating that claims 12, 13, 18 to 26, and 35 to 41 are allowed. Applicant thanks the Examiner for indicating that claims 31 to 34 include allowable subject matter.

Claims 14 to 17 and 27 to 30 were rejected under 35 U.S.C. § 102(b) as assertedly anticipated by U.S. Patent No. 5,709,080 (“the Arora reference”). It is respectfully submitted that the Arora reference does not anticipate and of the present claims, and the rejection should be withdrawn, for at least the following reasons.

Claim 14 recites “providing a diagnosis of the metering valve.” The Arora reference, at most, refers to diagnosing a metering system as a whole, but does not disclose, or even suggest, diagnosis of a metering valve.

Claim 14 further recites “setting the metering valve to . . . a predefined flow rate.” The Office Action asserts that the Arora reference discloses this feature because the Arora reference assertedly discloses keeping a metering valve closed, which causes a predefined zero flow rate. However, nowhere does the Arora reference refer to a state of a metering valve. Instead, the Arora reference refers to shutting off an HC supply pump, which does not disclose setting a metering valve at a predefined flow rate. Indeed, any review of the Arora reference makes plain that it does not disclose, or even suggest, this feature.

Moreover, claim 14 has been amended herein without prejudice to include subject matter analogous to claim 34, in that it now refers to the setting of the metering valve to an open position for providing a predefined flow rate. Claim 14 is therefore allowable for at least the same reasons as claim 34, which the Office Action indicates is allowable. Indeed, even if the Arora reference had disclosed shutting off the metering valve, this would still not disclose setting the metering valve to an open position for providing a predefined flow rate.

For a least these reasons, the Arora reference does not disclose, or even suggest, all of the features of claim 14, and therefore does not anticipate claim 14 or any of its dependent claims, e.g., claims 15 to 17.

Claim 27, as herein amended without prejudice, includes subject matter analogous to that of claim 14. Claim 27 and its dependent claims, e.g., claims 28 to 30, are therefore allowable for at least the same reasons as claim 14.

Withdrawal of this anticipation rejection is therefore respectfully requested.

New claim 42 has been added herein. Claim 42 does not add new matter and is supported by the present application, including specification, as originally filed. Claim 42 depends from claim 14 and is therefore allowable for at least the same reasons as claim 14. Additionally, claim 14 recites that the predefined start pressure has a predefined pressure value. Nowhere does the Arora reference disclose, or even suggest, bringing the reagent to a diagnosis start pressure having a predefined pressure value. In this regard, the Office Action asserts that the Arora reference brings a reagent supply pressure to a relatively steady and constant value. Without addressing the veracity of that assertion, it is noted that bringing the pressure to a constant value does not disclose bringing the pressure to a predefined pressure value. For this additional reason, the Arora reference does not disclose, or even suggest, the features of claim 42 and therefore does not anticipate claim 42 for this additional reason.

Accordingly, all of claims 12 to 15 and 17 to 42 are allowable.

Applicant reserves the right to pursue the subject matter of the claims as previously presented in a continuation patent application. Further, any disclaimer that may have occurred during the prosecution of this application is expressly rescinded as regards any subsequently filed patent application.

Conclusion

In view of the foregoing, it is respectfully submitted that all of pending claims 12 to 15 and 17 to 42 are allowable. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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